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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,307	09/26/2001	James T. Bodner	1662-41200 JMH (P01-3707)	9916

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EXAMINER	
AILES, BENJAMIN A	
ART UNIT	**PAPER NUMBER**
2142	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/964,307	BODNER ET AL.	
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-7,11-14,18-20 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-7,11-14,18-20 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the Amendment filed 01 August 2005.

2. Claims 1, 5-7, 11-13, 14, 18-20, and 23 remain pending.

Response to Amendment

3. Due to cancellation and amendment, applicant has overcome the 112, second paragraph rejections placed upon claims 15-20, set forth in the prior office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5-7, 11-13, 14, 18-20, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by McGuire (U.S. 6,186,897).

6. Regarding claim 1, McGuire discloses an automatic method of configuring a server in a system including a plurality of servers, comprising:

(a) requesting configuration data by the server to be configured (col. 5, lines 61-64 and col. 6, lines 36-43);

(b) determining from among a plurality of servers which of said other servers includes configuration data suitable for use by the server to be configured (col. 7, lines 13-18);

(c) automatically retrieving the suitable configuration data from such other server (col. 6, lines 58-63); and

(d) providing the retrieved configuration data to the server to be configured (col. 6, lines 58-63).

7. Regarding claim 5, in accordance with claim 1, McGuire discloses the method wherein (a) includes providing a server type value with said request for configuration data (col. 7, lines 25-28).

8. Regarding claim 6, in accordance with claim 5, McGuire discloses the method further including using said server type value to determine which of said other servers includes configuration data suitable for use by the server being configured (col. 7, lines 13-18, 25-28, and 51-56).

9. Regarding claim 7, McGuire discloses a computer system, comprising:

a first plurality of servers (col. 3, lines 4-52); and

a first chassis communication module coupled to said first plurality of servers;

wherein at least one of said plurality of servers can be configured automatically once installed into said system, said installed server configuring itself by submitting a request for configuration data to said first chassis communication module which identifies from among a plurality of other servers a server that contains configuration data suitable for said installed server and automatically retrieves and provides said configuration data to said installed server (col. 5, lines 61-64, col. 6, lines 36-43, col. 6, lines 58-63, and col. 7, lines 13-18).

10. Regarding claim 11, in accordance with claim 7, McGuire discloses the computer system further including:

a second chassis communication module coupled to said first chassis communication module (col. 3, lines 40-52);

a second plurality of servers coupled to said second chassis communication module (col. 4, line 60 – col. 5, line 1);

wherein said configuration data provided to said installed server was stored in memory on one of said second plurality of servers (col. 7, lines 3-12).

11. Regarding claim 12, in accordance with claim 7, McGuire discloses the computer system wherein said request includes the type of server to be configured and said first chassis communication module uses said type of server to retrieve configuration data suitable for the installed server (col. 7, lines 13-18, 25-28, and 51-56).

12. Regarding claim 13, in accordance with claim 12, McGuire discloses the computer system wherein said first chassis communication module finds another of said first plurality of servers that is of the same type as the installed server and retrieves said configuration data corresponding to such matching other server (col. 7, lines 13-18).

13. Regarding claim 14, McGuire discloses an electronic system, comprising:

a first plurality of configurable devices (col. 3, lines 4-52); and

a first chassis communication module coupled to said first plurality of configurable devices (col. 3, lines 53-64 and col. 4, line 63 – col. 5, line 1);

wherein at least one of said plurality of configurable devices can be configured automatically once installed into said system, said installed configurable

device configuring itself by submitting a request for configuration data to said first chassis communication module which identifies from among a plurality of other configurable devices a configurable device that contains configuration data suitable for said installed configurable device and retrieves and provides said configuration data to said configurable device for configuration (col. 5, lines 61-64 and col. 6, lines 36-43, and col. 6, lines 58-63, and col. 7, lines 13-18).

14. Regarding claim 18, in accordance with claim 14, McGuire discloses the electronic system further including:

a second chassis communication module coupled to said first chassis communication module (col. 3, lines 40-52); and

a second plurality of configurable devices coupled to said second chassis communication module (col. 4, line 60 – col. 5, line 1);

wherein said configuration data provided to said installed configurable device was stored in memory on one of said second plurality of configurable devices (col. 7, lines 3-12).

15. Regarding claim 19, in accordance with claim 14, McGuire discloses the electronic system wherein said request includes the type of configurable device to be configured and said first chassis communication module uses said type to retrieve configuration data suitable for the installed configurable device (col. 7, lines 13-18, 25-28, and 51-56).

16. Regarding claim 20, in accordance with claim 19, McGuire discloses the electronic system wherein said first chassis communication module finds another of said first plurality of configurable devices that is of the same type as the installed configurable devices to be configured and retrieves said configuration data corresponding to such matching other configurable device (col. 7, lines 13-18).

17. Regarding claim 23, McGuire discloses a method of configuring a server in a system including a plurality of servers, comprising:

(a) requesting configuration data by the server to be configured (col. 5, lines 61-64 and col. 6, lines 36-43);

(b) if automatic configuration has been specified for the server, automatically retrieving configuration data appropriate for the server from a device external to the server; and providing the retrieved configuration data to the server (col. 6, lines 58-63); or

(c) if automatic configuration has not been specified for the server, manually configuring the server (col. 8, lines 56-58).

Response to Arguments

18. Applicant's arguments filed 01 August 2005 have been fully considered but they are not persuasive.

19. (A) Applicant argues: "McGuire does not teach or suggest identifying from among a plurality of other servers a particular server that contains suitable configuration data for configuring a server to be configured."

20. As to point (A), the Examiner respectfully disagrees. McGuire clearly discloses this feature, as referenced above. Through the support network, McGuire provides the configurations needed and by doing this is able to quickly determine which configuration data is suitable for the server requesting configuration data and then provide this configuration data to the server.

21. (B) Applicant argues: "McGuire does not teach or suggest identifying from among a plurality of other servers a particular server that contains suitable configuration data for configuring an installed server."

22. As to point (B), the Examiner respectfully disagrees for the same reasons as set forth above in the rejection of claim 7 and point A.

23. (C) Applicant argues: "McGuire [does not disclose] a teaching of being able to specify automatic or manual configuration for a server and configuring the server in accordance with the type of configuration technique so specified."

24. As to point (C), the Examiner respectfully disagrees. McGuire clearly explains that the ability to manually configure a network device (e.g. server) is plausible when automatic configuration is not possible.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gu et al. (U.S. 6,892,230) disclose dynamic self-configuration for ad hoc peer networking using mark-up language formatted description messages.

Karadogan et al. (U.S. 6,892,229) dislcose a system and method for assigning dynamic host configuration protocol parameters in devices using resident network interfaces.

Tanaka (U.S. 6,915,340) discloses a system and method for deriving future network configuration data from the current and previous network configuration data.

Mann et al. (U.S. 6,922,722) disclose a method and apparatus for dynamic network configuration of an alert-based client.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 7:30-5, First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER